
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus

BENNY EARL HOLMES

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NO. 9:16-CR-00016-MAC

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable John D. Love, United States Magistrate Judge, at Tyler, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

As detailed in Judge Love's report, Defendant plead true to violating the conditions of supervision as alleged in the third allegation of the government's petition. Judge Love recommended:

1. finding the Defendant violated the third allegation in the petition by possessing methamphetamine and marijuana;
2. revoking the Defendant's supervised release pursuant to 18 U.S.C. § 3583; and
3. sentencing the Defendant to a term of 18 months imprisonment with one year of supervised release to follow.

At the close of the revocation hearing, the Defendant, defense counsel, and counsel for the Government each signed a standard form waiving their right to object to the proposed findings and recommendations contained in the magistrate judge's report. The Defendant also waived his

right to be present with counsel and to speak at sentencing before the court imposes the recommended sentence.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Benny Earl Holmes' supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 31st day of January, 2025.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE